

CUSTODY DECREE/PARENTING PLAN MODIFICATION

King County Family Law Facilitators: Instruction #P-1
Revised Code of Washington 26.09.260
King County Local Family Law Rules

King County Local Family Law Rule 13 requires each party to attend a parenting seminar within 60 days of filing and prior to the entry of final orders in this legal action. An information sheet regarding this mandatory seminar is available.

STEP 1: COMPLETE THE REQUIRED FORMS

Complete the following forms:

- [Civil Information Cover Sheet and Attachment \(Case Assignment Designation\)](#)
- [Confidential Information Form, \(WPF DRPSCU 09.0200\)](#)
- [Summons for Modification of Custody Decree/Parenting Plan \(WPF DRPSCU 07.0120\)](#)
- [Petition for Modification of Custody Decree/Parenting Plan \(WPF DRPSCU 07.0100\)](#) Attach a copy of the Parenting Plan or Custody Order you wish to modify to your Petition. If you are modifying an out-of-state or out-of-county order, you will need a certified copy.
- [Notice Re Dependent of a Person in Military Service \(WPF DRPSCU 01.0185\)](#)
- [Parenting Plan \(WPF DR 01.0400 Marriage/Domestic Partnership\)](#) or [\(WPF PS 15.0600 Parenting and Support\)](#) or [\(WPF PS 01.0400 Parentage\)](#)

NOTE: Before signing the final parenting plan, the court will consult the judicial information system and databases, if available, to determine the existence of any information and proceedings that are relevant to the placement of the children.

- [Declaration in Support of Proposed Parenting Plan \(WPF DR 04.0120\)](#)
- [Petitioner's Notice of Hearing of Adequate Cause Determination \(WPF DRPSCU 07.0250\).](#)
- [Declaration \(WPF DRPSCU 01.0100\)](#)
- [Order Re Adequate Cause \(WPF DRPSCU 07.0300\)](#)
- [Order Re Modification of Custody Decree/Parenting Plan \(WPF DRPSCU 07.0400\)](#)
- [Return of Service \(WPF DRPSCU 01.0250\)](#)
- [Declaration Regarding Personal Service Outside the State of Washington, WPF DRPSCU 01.0180 \(if applicable\)](#)

If you are requesting a change in the amount of child support, you will also need:

- [Child Support Worksheets WSCSS – Worksheets](#) or [WSCSS – Worksheets RDP \(Registered Domestic Partnership\)](#) and [Schedule](#)
- [Financial Declaration \(WPF DRPSCU 01.0550\)](#)
- [Order of Child Support \(WPF DR 01.0500\)](#)

- [Sealed Financial Source Documents \(WPF DRPSCU 09.0220\)](#). Attach copies of the other financial documents required for a change in custody or child support: complete tax returns for the past 3 years with all schedules and W-2s; complete tax return for the year that the prior order of child support was entered; all pay stubs showing income for the past 6 months or since January 1, whichever period is greater; all statements of financial institutions for accounts listing you as account holder or in which you have an interest. If you have a partnership or corporation, see also King County Local Family Law Rule 10.

If you will be requesting temporary orders at the adequate cause hearing (orders that will remain in place until the trial), you will also need:

- [Motion and Declaration for Temporary Order \(WPF DR 04.0100\)](#)
- [Declaration in Support of Proposed Temporary Parenting Plan \(WPF DR 04.0120\)](#)
- [Temporary Order \(WPF DR 04.0250\)](#)
- [Parenting Plan \[temporary\]](#)
- [Child Support Worksheets](#)
- [Order of Child Support](#)
- [Law Enforcement Information Sheet \(WPF DR 04.0180\)](#), if you are seeking any restraints.

You may also request temporary orders after the adequate cause hearing, if the case is not dismissed. However, to request temporary orders at any time other than at the adequate cause hearing, you must follow Facilitator Instruction F-4, Motion for Temporary Orders.

****Scheduling your Adequate Cause Hearing**

The Adequate Cause Hearing must be set no later than 23 weeks after filing the Petition, and not before the non-moving party's response deadline:

- Personal service in Washington State: 20 days
- Personal service outside Washington State or service by publication: 60 days
- Service by regular and certified mail: 90 days (Court's permission required.)

Schedule the adequate cause hearing by filling out, filing and serving the Notice of Hearing of Adequate Cause Determination. The non-moving party must always be given at least 14 days notice of the hearing. However, if the Notice of Hearing is served with the Summons and Petition, the non-moving party will receive 20, 60 or 90 days notice because of the response-time requirement.

Date and Time: In Seattle, you may pick any weekday for your adequate cause hearing. The time must be 1:30 p.m. In Kent, the time must be set for 1:30 p.m. on any week day except Tuesday.

Place: King County Courthouse for Seattle cases or Kent Regional Justice Center for Kent cases.

Room/Department:

The hearing will take place in the Family Law Department, Room W291 for Seattle cases or Room 1-G for Kent cases.

The purpose of this hearing is to decide whether the case should proceed to trial or be dismissed.

STEP 2: TALK TO AN ATTORNEY, IF POSSIBLE

These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. If you cannot afford to hire an attorney to represent you, you may be able to pay a lawyer to give you advice and review your paperwork for a lesser cost. Contact the King County Bar Association Lawyer Referral Line for information about limited services representation. If you cannot afford these costs, there are limited free legal services available to low income people. Contact the Facilitators' office for a *Legal Resource List* or the King County Bar Association Lawyer Referral Line for information about resources for low income people.

STEP 3: MAKE COPIES, FILE WITH CLERK AND DELIVER WORKING PAPERS

Make 3 copies of your papers (All forms except the Law Enforcement Information Sheet and the Return of Service). If you are requesting an Order of Child Support and the children have ever received public assistance, you will need to make 4 copies.

On the copies only of your proposed orders, write “PROPOSED” in the upper right hand corner. Bring the originals of the orders you want the Court to sign to the Adequate Cause Hearing.

File the originals of the following forms with the Clerk's Office,

- Civil Information Cover Sheet and Attachment (Case Assignment Designation)
- Confidential Information Form
- Summons for Modification of Custody Decree/Parenting Plan
- Petition for Modification of Custody Decree/Parenting Plan *with attached copy of the current order. (You will need a certified copy, if the order is from another county or state.)*
- Parenting Plan [Proposed]
- Declaration in Support of Proposed Parenting Plan
- Petitioner's Notice of Hearing of Adequate Cause Determination
- Declaration

and, if applicable:

- Child Support Worksheets
- Financial Declaration
- Sealed Financial Source Documents, with attachments
- Motion and Declaration for Temporary Order
- Declaration in Support of Proposed Temporary Parenting Plan

You must pay the Clerk a filing fee. If you are low income you may ask the Court to waive the filing fee. The Clerk will give you two copies of the Case Schedule, one for you and one for the other parent.

Deliver “Working Papers” (copies of all forms) to the Family Law Motions Coordinator.

In the top right hand corner of your Working Papers write:

Working papers

Family Law Motions

Hearing Date: [Fill in your hearing date]

Hearing Time: 1:30 p.m.

Presented by: [Fill in your name]

STEP 4: SERVE THE OTHER PARTY

Someone other than yourself, who is 18 years of age or older, must serve the other party with copies of the Summons and Petition, Proposed Parenting Plan, and all other forms except the Return of Service and the Law Enforcement Information Sheet. You must also include one of the two Case Schedules which was provided by the Clerk’s Office when you filed your papers.

The person who serves the other parent must complete and sign the Return of Service form. After the server has completed the Return of Service, make one copy for yourself and file the original with the Clerk’s Office.

If personal service is made outside the state of Washington, you must also file a “Declaration Regarding Personal Service Outside the State of Washington” (WPF DRPSCU 01.0180), explaining why personal service cannot be made in-state. Failure to file this form invalidates service. File the original with the Clerk and keep a copy for your records.

If you are requesting a change in child support and either party has ever received public assistance, you must deliver a set of copies to the Prosecuting Attorney’s Office, Family Support Section.

STEP 5: CONFIRM YOUR ADEQUATE CAUSE HEARING (AND MOTION FOR TEMPORARY ORDERS) ONLINE, BY PHONE OR IN PERSON

Confirm Your Hearing Online

You may confirm your hearing online anytime between 12:01 noon three days prior to your hearing and 12:00 noon two days prior to your hearing.

To confirm your hearing online, or to find out if the party who scheduled the hearing has confirmed it, visit <http://your.kingcounty.gov/flmco> and follow the instructions provided there. You will need to know:

1. The Cause/Case Number for your case
2. The Name of the Calendar on which the hearing is set.
3. The Time of the Calendar (morning or afternoon).
4. The Name of the Motion.
5. The Name of your Attorney (if any).

You also will need to provide a contact email address and a contact phone number so the court can respond to your request.

Confirm your hearing by telephone:

→ **Seattle cases, call (206) 296-9340** → **Kent cases, call (206) 205-2550**

Call between 2:30 and 4:15 p.m. 3 court days prior to the hearing **or** between 8:30 and 12 noon 2 court days prior to the hearing. Have your case number available when you call. Confirm your Motion for Adequate Cause and your Motion for Temporary Orders.

Directions to Family Court can be found online at <http://www.kingcounty.gov/courts/familycourt/visit> or by calling (206) 296-9400.

IF YOU FAIL TO CONFIRM THE HEARING IT WILL BE AUTOMATICALLY CANCELED.

STEP 6: ATTEND ADEQUATE CAUSE HEARING

BRING TO THE ADEQUATE CAUSE HEARING:

- The completed original of Order Re Adequate Cause
- Your set of copies of all documents, including the Return of Service

If you are requesting Temporary Orders, also bring the completed originals of:

- Temporary Order
- Parenting Plan [temporary]
- Order of Child Support

- Child Support Worksheets
- Law Enforcement Information Sheet (if you are seeking any restraints).

If the other parent has not responded or appeared and the required time has passed, you can ask the Court to finalize your modification by default. Bring the completed originals of the following forms to the Adequate Cause Hearing.

- [Motion and Declaration for Order of Default \(WPF DRPSCU 03.0100\)](#)
- [Order of Default \(WPF DRPSCU 03.0200\)](#)
- Parenting Plan [final]
- Order Re Modification of Custody Decree/Parenting Plan
- Order of Child Support
- Child Support Worksheets

Check in for your adequate cause hearing at the Family Law Motions desk.

If the other parent comes to the hearing your names will be called and you will appear before a Commissioner. Each of you will generally have 5 minutes to present your argument. The Commissioner will sign court orders either allowing your case to proceed to trial or dismissing your case, as well as ruling on any temporary orders requested. All original orders signed by the Commissioner must be filed in the Clerk's office. **DO NOT LEAVE THE COURTHOUSE WITH THE SIGNED ORIGINAL ORDERS.**

Note: If you and the other parent are able to come to a final written agreement, skip the further steps in these instructions and instead use Facilitator Instruction #P-3, Agreed Custody Decree/Parenting Plan Modification.

STEP 8: FOLLOW YOUR CASE SCHEDULE AND PREPARE FOR TRIAL

If the case is not dismissed or finalized at the adequate cause hearing, you must follow your Case Schedule. Refer to the Order Setting Domestic Modification Case Schedule for deadlines that must be met and for the date of your trial. If you fail to follow your case schedule, your case may be dismissed and you may incur fines.

The Facilitators cannot provide you with assistance in trial preparation. You are strongly advised to talk to an attorney. Limited instructions for complying with the Case Schedule deadlines and preparing for trial are available from the Facilitators.

WARNING: These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. If you need a lawyer call the King County Bar Association Lawyer Referral Line.